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(FUK.030)

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REMARKS

Entry of this Request for Reconsideration is proper because it does not raise any new issues requiring further search by the Examiner, narrows the issues on appeal, and is believed to place the present application in condition for immediate allowance.

Claims 1-20 are all the claims presently pending in the application.

Applicant gratefully acknowledges that claims 5-7, 19, and 20 are allowed.

However, Applicant respectfully submits that all of the claims (i.e., claims 1-20) should be allowable, for the reasons set forth below.

Claims 1-4, 8, 10, and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang et al. (U.S. Pat. Pub. No. 2003/0224830) in view of Ranta (U.S. Pat. No. 6,751,485).

Claims 9 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang et al. in view of Ranta, as applied to claim 1 above, and further in view of Paik et al. (U.S. Patent No. 6,675,008).

Claims 11, and 13-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang et al. in view of Ranta, as applied to claim 1 above, and further in view of Mun et al. (U.S. Pat. Pub. No. 2003/0022659).

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

Conventional portable telephone sets have been adapted to permit telephone calls by reading out a telephone number of the opposite side of communication registered in a telephone diary stored in a memory part based on the corresponding

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names or titles of the opposite side. Other conventional portable telephone sets include a camera part in which images of the faces of the opposite side of communication can be picked up by the camera part and is stored in the memory part such that the face image is displayed on the display of the telephone set along with the opposite side data as name or telephone number.

In conventional portable telephone set communication systems, it is presently an indispensable convenient function to accumulate non-response call arrival having not been responded to so as to permit a non-response call arrival history based on these data to be displayed on the display as desired by the user operation.

However, the conventional portable telephone sets, such as disclosed by Zhang, have not disclosed or suggested displaying the image of the face or the like of the opposite side of communication in the case of utilizing the above-mentioned non-response call arrival history or stored messages.

The claimed invention, on the other hand, provides a portable communication terminal set which, like a portable telephone set or a PDA, which can display the image of the face or the like of the opposite side even in the case of utilizing non-response call arrival history or stored messages.

II. THE PRIOR ART REJECTIONS

REMOVING ZHANG AS PRIOR ART

Applicant notes that the Zhang reference can be removed as prior art by perfecting Applicant's claim to foreign priority and filing a Rule 131 Declaration which swears behind the May 30, 2002 filing date of Zhang.

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That is, Zhang's filing date of May 30, 2002 is eight (8) months and twenty-eight (28) days prior to the February 27, 2003 filing date of the Japanese priority document for the present application. Thus, Zhang can be removed as prior art by: (1) perfecting Applicant's claim to foreign priority based on JP priority application, which was filed on February 27, 2003, by filing a verified English translation of the JP priority application; and (2) filing an affidavit or declaration under 37 C.F.R. § 1.131 which swears behind the May 30, 2002 filing date of Zhang, by establishing invention of the subject matter of the present application before the May 30, 2002 filing date of Zhang.

Applicant would need to establish either that: (a) the invention was reduced to practice prior to the May 30, 2002 filing date of Zhang; or (b) the invention was conceived prior to the May 30, 2002 filing date of Zhang and was subsequently reduced to practice with due diligence during the eight (8) months and twenty-eight (28) days from May 30, 2002 up to the filing of the priority application on February 27, 2003.

Shortly, Applicant will prepare and file a verified English translation of the JP priority application for the present application, thereby perfecting Applicant's claim to foreign priority. Applicant also will prepare and file a Declaration under 37 C.F.R. § 1.131 which swears behind the May 30, 2002 filing date of Zhang, by establishing invention of the subject matter of the present application before the May 30, 2002 filing date of Zhang.

Thus, upon filing of the same, Applicant submits that Zhang should be removed as prior art to the present application.

Notwithstanding the above, and even assuming arguendo that Zhang were available as prior art, Applicant respectfully traverses each of the prior art rejections, for at least the following reasons.

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TRAVERSAL OF REJECTIONS ON THE MERITS**A. Claims 1-4, 8, 10, and 16-18:**

Claims 1-4, 8, 10, and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang in view of Ranta.

Examiner's Response to Arguments

In the Response to Arguments section of the present Office Action, the Examiner states that "*the suggestion to combine Zhang et al and Ranta can be found in the summary of the Ranta reference (see disclosure of the invention, see col. 1, lines 61-67 and col. 2, lines 1-9)*" (see Office Action at pages 14-15, bridging paragraph).

Turning to the cited disclosure of Ranta, it is noted that Ranta, at column 1, lines 61-67 and column 2, lines 1-9, states that:

According to a first aspect of the invention, a method for use in a mobile telephone having means for storing phone numbers of recently made or received phone calls, wherein said mobile telephone stores said phone numbers of recently made or received phone calls in a memory having capacity dedicated for only a limited number of phone numbers of said recently made or received phone calls which are removed one or more at a time according to a selected capacity management methodology, said method comprises the steps of associating said stored phone numbers of recently made or received phone calls with a distinctive alerting sound generally indicative of recently made or received phone calls, and sounding said distinctive alerting sound upon receiving a call from one of said phone numbers of recently made or received calls (emphasis added).

Further, in the Response to Arguments section of the present Office Action, the Examiner states that:

"Ranta discloses/teaches the feature/limitation of "a portable communication terminal wherein the memory part includes a communication history data representing the history of communication executed by the radio part (a mobile telephone capable of storing phone numbers of recently made or received calls, see col. 1, lines 62-67, col. 2, lines 1-9). Therefore the examiner respectfully disagrees with applicant's argument that the combination is based on hindsight-based analysis as the

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applied references provide more than enough support. Claim 1 thus stands rejected. Claims 2-4 and 8-18 based on their being dependent on claim 1."

Thus, the Examiner appears to take the position that, by disclosing a portable communication terminal wherein the memory part includes a communication history data representing the history of communication executed by the radio part (a mobile telephone capable of storing phone numbers of recently made or received calls), and a method of associating such stored phone numbers of recently made or received phone calls with a distinctive alerting sound generally indicative of recently made or received phone calls, and sounding the distinctive alerting sound upon receiving a call from one of the phone numbers of recently made or received calls, Ranta would somehow provide a motivation or suggestion to the ordinarily skilled artisan to modify Zhang to include similar features as Ranta, such that "*an image of image data corresponding to a pertinent opposite side party of communication is displayed on the display part under control by the control part in correspondence to at least one of a call arrival in the radio part and the acceptance of operation by the operation part based on combination data stored in the memory part*", as recited in claim 1 (emphasis added).

However, Applicant respectfully submits that such does not explain why the ordinarily skilled artisan would have been motivated to make a jump from changing alerting sounds, as taught by Ranta, to displaying image data corresponding to a pertinent opposite side party of communication, as claimed.

Moreover, Applicant submits that there are features of the claimed invention which would not be disclosed or suggested by Zhang and Ranta, either individually or in combination. Therefore, Applicant respectfully reiterates the traversal of this rejection.

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First, Applicant respectfully that the Examiner has not yet explained *how* or *why* the recently made, received, and missed calls stored in the memory of Ranta would have motivated the ordinarily skilled artisan to modify Zhang such that “*an image of image data corresponding to a pertinent opposite side party of communication is displayed on the display part under control by the control part in correspondence to at least one of a call arrival in the radio part and the acceptance of operation by the operation part based on combination data stored in the memory part*”, as recited in claim 1 (emphasis added).

Second, even assuming *arguendo* that a proper motivation were established for making such a combination, there are features of the claimed invention which are not disclosed or suggested by Zhang and Ranta, either individually or in combination.

For example, Ranta discloses that, if a first comparison step 24 of FIG. 2 is found by the means 62 to be a match, the distinctive alerting sound indicated by the step 28 is sounded by a means 64 for sounding alerting sounds associated with particular individuals or parties that have been prestored and associated by the user. On the other hand, if the steps 32, 34 result in a match, the step 36 is executed by means for sounding a distinctive alerting sound associated with recently made, received or missed calls whether it be a generic sound or individual sounds associated with each type of recent call.

That is, Ranta merely changes the alerting sound based on whether the incoming call matches a particular individual or party that has been prestored and associated by the user, or if not, then based on whether the incoming call matches a recently made, received or missed call (e.g., see Ranta at column 7, lines 51-63).

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On the other hand, Zhang merely discloses storing the current incoming telephone number. Zhang also discloses displaying an image or telephone number of only one incoming call (i.e., the current call being received by the phone).

Applicant submits that merely incorporating the recently made, received or missed calls of Ranta still would not teach or suggest the claimed invention.

That is, if the memory 54 of Ranta, including the recently made, received or missed calls, were incorporated into Figure 3 of Zhang, as alleged by the Examiner, it is unclear what, if anything, Zhang would do differently.

Indeed, if the incoming number does not correspond to a number found in the look-up table, Zhang would not display a different image in the way that Ranta sounds a distinctive alerting sound.

Thus, the Examiner appears to be making an unreasonable jump from Ranta's disclosure of changing the alerting sound based on whether the incoming call matches a particular individual or party that has been prestored and associated by the user, or if not, then based on whether the incoming call matches a recently made, received or missed call (e.g., see Ranta at column 7, lines 51-63), to modifying Zhang such that "an image of image data corresponding to a pertinent opposite side party of communication is displayed on the display part under control by the control part in correspondence to at least one of a call arrival in the radio part and the acceptance of operation by the operation part based on combination data stored in the memory part", as recited in claim 1 (emphasis added).

While the ordinarily skilled artisan may have been motivated to make such a large jump from providing a step of changing alerting sounds to providing a step of displaying image data corresponding to a pertinent opposite side party of

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communication after having read Applicant's disclosure, such impermissible hindsight cannot provide the motivation for making the combination. Instead, the motivation must be provided by the references themselves, or in the prior art in general.

The claimed invention, on the other hand, provides a portable communication terminal set which can display the image of the face or the like of the opposite side even in the case of utilizing non-response call arrival history or stored messages, since the communication history of the portable communication terminal set is stored by the memory part.

Claim 1

For example, independent claim 1 recites, *inter alia*, a portable communication terminal set including:

a memory part for storing data including image data representing a plurality of images, opposite side party data representing a plurality of opposite side parties of communication, combination data representing the correspondence relation between the image data and opposite side party data and communication history data representing the history of communication executed by the radio part, ... wherein:
an image of image data corresponding to a pertinent opposite side party of communication is displayed on the display part under control by the control part in correspondence to at least one of a call arrival in the radio part and the acceptance of operation by the operation part based on combination data stored in the memory part.

As mentioned above, Zhang and Ranta, either individually or in combination, do not disclose or suggest all of the features of claim 1.

Independent claim 16 recites somewhat similar features as claim 1, and therefore, should be allowable for somewhat similar reasons.

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Claims 2-4, 8, 10, 17, and 18

In the Response to Arguments of the present Office Action, the Examiner states that claims 2-4 and 8-18 stand rejected "based on their being dependent on claim 1" (see Office Action at page 16, first paragraph). Applicant respectfully disagrees.

Applicant respectfully submits that the Examiner's position clearly is unreasonable, and indeed, contrary to accepted law regarding the claim scope of dependent claims.

That is, dependent claims necessarily must include a narrower scope than the independent claims from which they depend. Therefore, the mere showing that the features of the broader independent claim are unpatentable clearly does not mean that the narrower features of the dependent claims are unpatentable by virtue of their dependency from such an independent claim. Again, such is contrary to accepted law regarding the claim scope of dependent claims.

Instead, the Examiner must show that each and every feature of the dependent claim is taught or suggested in the prior art of record.

Applicant reiterates that dependent claims 2-4, 8, 10, 17, and 18 are patentable over Zhang by virtue of their dependency from claim 1 and 16, as well as for the additional features recited therein. That is, Applicant respectfully submits that there are features of the claimed invention which are not disclosed or suggested by Zhang and Ranta, either individually or in combination. Therefore, Applicant traverses the rejection of these claims.

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For example, claim 3 recites, *inter alia*:

wherein non-response call arrival history data
concerning non-response call arrivals not responded in the
radio part are stored as communication history data in the
memory part under control by the control part, and the
image of image data corresponding to the opposite side
party of communication concerning the newest non-
response call arrival among the image data stored in the
memory part, is displayed on the display part based on the
non-response call arrival history data and combination data
stored in the memory part (emphasis added).

Applicant respectfully notes that the Examiner's Response to Arguments fails
to address Applicant's traversal position with respect to claim 3.

It is noted that, where Applicant traverses any rejections, the Examiner should, if he repeats the rejection, take note of the Applicant's argument and answer the substance of it (see M.P.E.P. § 707.07(f)).

The importance of answering applicant's arguments is illustrated by *In re Herrmann*, 261 F.2d 598, 120 USPQ 182 (CCPA 1958) where the applicant urged that the subject matter claimed produced new and useful results. The court noted that since applicant's statement of advantages was not questioned by the examiner or the Board of Appeals, it was constrained to accept the statement at face value and therefore found certain claims to be allowable. See also *In re Soni*, 54 F.3d 746, 751, 34 USPQ2d 1684, 1688 (Fed. Cir. 1995) (Office failed to rebut applicant's argument).

Thus, the present Office Action fails to show anywhere in Zhang or Ranta where the "*image of image data corresponding to the opposite side party of communication concerning the newest non-response call arrival among the image data stored in the memory part, is displayed*", as recited in claim 3 (emphasis added).

It is noted that each and every feature of the claims must be shown.

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Thus, Zhang and Ranta, either individually or in combination, clearly do not disclose or suggest all of the features of claim 3.

As another example, claim 4 recites, *inter alia*:

wherein non-response call arrival history data concerning non-response call arrivals not responded in the radio part are stored as communication history data in the memory part under control by the control part, and the image of image data corresponding to the opposite side party of communication concerning the first non-response call arrival subsequent to the instant of execution of the newest operation on the operational part among the image data stored in the memory part, is displayed on the display part based on the non-response call arrival history data and combination data stored in the memory part (emphasis added).

Applicant respectfully notes that the Examiner's Response to Arguments fails to address Applicant's traversal position with respect to claim 4.

It is noted that, where Applicant traverses any rejections, the Examiner should, if he repeats the rejection, take note of the Applicant's argument and answer the substance of it (see M.P.E.P. § 707.07(f)). The importance of answering applicant's arguments is illustrated by In re Herrmann, 261 F.2d 598, 120 USPQ 182 (CCPA 1958); see also In re Soni, 54 F.3d 746, 751, 34 USPQ2d 1684, 1688 (Fed. Cir. 1995).

The Examiner has not shown anywhere in Zhang or Ranta where the "the image of image data corresponding to the opposite side party of communication concerning the first non-response call arrival subsequent to the instant of execution of the newest operation on the operational part among the image data stored in the memory part, is displayed" (emphasis added).

Again, each and every feature of the claims must be shown.

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Thus, Zhang and Ranta, either individually or in combination, clearly do not disclose or suggest all of the features of claim 4.

Similar to claim 3, claim 17 recites, *inter alia*:

wherein non-response call arrival history data concerning non-response call arrivals not responded in the radio part are stored as communication history data in the memory part under control by the control part, and the image of image data corresponding to the opposite side party of communication concerning the newest non-response call arrival among the image data stored in the memory part, is displayed on the display part based on the non-response call arrival history data and combination data stored in the memory part (emphasis added).

Applicant respectfully notes that the Examiner's Response to Arguments fails to address Applicant's traversal position with respect to claim 4.

It is noted that, where Applicant traverses any rejections, the Examiner should, if he repeats the rejection, take note of the Applicant's argument and answer the substance of it (see M.P.E.P. § 707.07(f)). The importance of answering applicant's arguments is illustrated by In re Herrmann, 261 F.2d 598, 120 USPQ 182 (CCPA 1958); see also In re Soni, 54 F.3d 746, 751, 34 USPQ2d 1684, 1688 (Fed. Cir. 1995).

The Examiner has not shown anywhere in Zhang or Ranta where the "*the image of image data corresponding to the opposite side party of communication concerning the newest non-response call arrival among the image data stored in the memory part, is displayed*" (emphasis added).

It is noted that each and every feature of the claims must be shown.

Thus, Zhang and Ranta, either individually or in combination, clearly do not disclose or suggest all of the features of claim 17.

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Similar to claim 4, claim 18 recites, *inter alia*:

wherein non-response call arrival history data concerning non-response call arrivals not responded in the radio part are stored as communication history data in the memory part under control by the control part, and the image of image data corresponding to the opposite side party of communication concerning the first non-response call arrival subsequent to the instant of execution of the newest operation on the operational part among the image data stored in the memory part, is displayed on the display part based on the non-response call arrival history data and combination data stored in the memory part (emphasis added).

Applicant respectfully notes that the Examiner's Response to Arguments fails to address Applicant's traversal position with respect to claim 4.

It is noted that, where Applicant traverses any rejections, the Examiner should, if he repeats the rejection, take note of the Applicant's argument and answer the substance of it (see M.P.E.P. § 707.07(f)). The importance of answering applicant's arguments is illustrated by In re Herrmann, 261 F.2d 598, 120 USPQ 182 (CCPA 1958); see also In re Soni, 54 F.3d 746, 751, 34 USPQ2d 1684, 1688 (Fed. Cir. 1995).

The Examiner has not shown anywhere in Zhang or Ranta where the "*the image of image data corresponding to the opposite side party of communication concerning the first non-response call arrival subsequent to the instant of execution of the newest operation on the operational part among the image data stored in the memory part, is displayed*" (emphasis added).

Again, each and every feature of the claims must be shown. Thus, Zhang and Ranta, either individually or in combination, clearly do not disclose or suggest all of the features of claim 4.

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For the foregoing reasons, Zhang and Ranta, either individually or in combination, do not disclose or suggest all of the features of the claimed invention. Therefore, the Examiner is requested to reconsider and withdraw this rejection and to permit claims 1-4, 8, 10, and 16-18 to pass to immediate allowance.

B. Claims 9 and 12:

Claims 9 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Zhang, Ranta, and Paik.

Applicant notes that, in the previous Amendment, Applicant clearly pointed out that Paik does not disclose or suggest the claimed features for which it is relied upon as teaching.

Applicant respectfully notes that the Examiner's Response to Arguments fails to address Applicant's traversal position with respect to claims 9 and 12.

It is noted that, where Applicant traverses any rejections, the Examiner should, if he repeats the rejection, take note of the Applicant's argument and answer the substance of it (see M.P.E.P. § 707.07(f)). The importance of answering applicant's arguments is illustrated by In re Herrmann, 261 F.2d 598, 120 USPQ 182 (CCPA 1958); see also In re Soni, 54 F.3d 746, 751, 34 USPQ2d 1684, 1688 (Fed. Cir. 1995).

Thus, the present Office Action fails to comply with M.P.E.P. § 707.07(f).

Accordingly, Applicant respectfully requests that the Examiner issue a new, non-final Office Action which properly answers the substance of Applicant's traversal position, which is reiterated below, for the Examiner's convenience.

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To reiterate, Applicant submits that dependent claims 9 and 12 are patentable over Zhang and Ranta by virtue of their dependency from claim 1, as well as for the additional features recited therein.

Applicant also notes that the Examiner relies on Paik for disclosing “trimming” the picture, as recited in claims 9 and 12. However, as the Examiner points out, Paik discloses a picture “compression technique” and “converting the size” of a picture (e.g., see Paik at column 5, lines 23-40).

The ordinarily skilled artisan clearly would know and understand that “compression techniques” and “converting the size” of an image are not the same as “trimming” a picture, as claimed.

For example, claim 9 recites, *inter alia*:

wherein under control by the control part a predetermined part of an image of image data corresponding to a pertinent opposite side party of communication among the image data stored in the memory part is trimmed and extracted responsive to the operation of the operational part, and the image extracted by the trimming is used as an image to be displayed on the display part in an enlarged scale to fit the display area of the display part (emphasis added).

That is, the claimed invention trims a part of the stored image, extracts that part of the stored image, and then enlarges the extracted part of the stored image and displays the extracted part of the stored image to fit the display area of the display part, as shown, for example, in Figure 7.

Hence, according to the claimed invention, an image of a person can be trimmed such that the part of the stored image which includes the person’s face is extracted from the stored image. The extracted part of the image can then be enlarged to fit the display area of the display part so that the displayed part of the image which

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includes the person's face can be easily recognized by the user of the apparatus (e.g., see specification at page 14, lines 10-26; see also Figure 7).

Claim 12 somewhat similarly recites that "*a predetermined part*" of the image is contracted and the contracted part of the image is displayed.

In comparison, Paik merely compresses the data, or scales the overall image to be larger or smaller.

Paik does not disclose or suggest "*trimming*" a part of the image, "*extracting*" the part of the image, and then displaying the extracted part of the image to fit the display.

For the foregoing reasons, Applicant respectfully submits that there are features of claims 9 and 12 which clearly are not disclosed or suggested by Zhang, Ranta, and Paik, either individually or in combination.

Therefore, the Examiner is requested to reconsider and withdraw this rejection and to permit claims 9 and 12 to pass to immediate allowance.

Alternatively, the Examiner is requested to properly answer the substance of Applicant's traversal position in accordance with M.P.E.P. § 707(f) in a new, non-final Office Action.

C. Claims 11 and 13-15:

Claims 11 and 13-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Zhang, Ranta, and Mun.

The Examiner alleges that the combination of Zhang, Ranta, and Mun disclose or suggest all of the features of the claimed invention.

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Applicant respectfully submits, however, that there are features of the claimed invention which are not disclosed or suggested by Zhang, Ranta, and Mun, either individually or in combination. Therefore, Applicant traverses this rejection.

Applicant submits that dependent claims 11 and 13-15 are patentable over Zhang and Ranta by virtue of their dependency from claim 1, as well as for the additional features recited therein. Moreover, Applicant submits that Mun does not make up for the above deficiencies of Zhang and Ranta, and indeed, is not relied upon for such features.

For the foregoing reasons, Zhang, Ranta, and Mun, either individually or in combination, do not disclose or suggest all of the features of the claimed invention. Therefore, the Examiner is requested to reconsider and withdraw this rejection and to permit claims 11 and 13-15 to pass to immediate allowance.

III. CONCLUSION

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

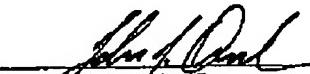
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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

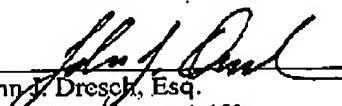
Respectfully Submitted,

Date: December 7, 2006
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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Request for Reconsideration under 37 C.F.R. § 1.116 to Examiner Olumide Ajibade Akonai, Art Unit 2617, on December 7, 2006.


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